

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1572.00
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: May 15, 2000
DATE OF REPORT: June 13, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: June 26, 2000

COMPLAINT ISSUES:

Whether the Twin Lakes School Corporation and the Logansport Area Joint Special Services Cooperative violated:

511 IAC 7-12-1 with regard to the school's alleged failure to implement the student's individualized education program, specifically failing to ensure that a paraprofessional does not have contact with the student except under the circumstances identified in the IEP.

FINDINGS OF FACT:

1. The Student is eighteen years old and attends a local high school (the "school"). He is eligible for special education.
2. The Student's IEP indicates that a particular aide is not allowed any interaction with the Student during the course of the Student's education at the school.
3. On May 10, 2000 the aide had contact with the Student. The aide briefly spoke with the Student while handing out reminder notices to students for fees in physical education. The aide was the only adult in the room. This contact was made without the authorization of the teacher of record and violated the non-contact issue outlined in the IEP. The local school district superintendent acknowledges that this incident did take place.
4. The school principal investigated the complaint upon being aware of the violation and took specific steps to remedy the situation, including discussing with the aide the no contact requirement and changing the aide's schedule to eliminate the aide's proximity to the Student.

CONCLUSION:

Findings of Fact #2 through #4 reflect that the school failed to ensure that a particular aide did not come into contact with the Student. Therefore, a violation of 511 IAC 7-12-1 is found.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Twin Lakes School Corporation and the Logansport Area Joint Special Services Cooperative shall:

1. Inform the Student's parents, in writing, of the actions taken to remedy the situation. A copy of this correspondence shall be sent to the Division by July 13, 2000.

